

Notice of Allowability

Application No.

10/688,275

Examiner

Raymond B. Persino

Applicant(s)

ELLA ET AL.

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Allowable Subject Matter

1. Claims 1-32 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The applicant's invention is geared toward a multi-band communication device having at least a first antenna operatively connected to a first transmission path for transmitting a first transmit frequency band and a second transmission path for transmitting a different second transmit frequency band; and a second antenna, electrically separated from the first antenna, operatively connected to a first reception path for receiving a first reception frequency band and a different second reception path for receiving a second reception frequency band. The closest prior art is KLEMETTI et al (US 2004/0162107 A1). KLEMETTI et al teaches the above subject matter (see figure 5). However, the applicant additionally includes the subject matter that the first receive frequency band is partially overlapped with the first transmit frequency band. Upon initial inspection of KLEMETTI et al's figure 5 it would appear that KLEMETTI et al teaches this limitation, however this is not the case. For KLEMETTI et al to teach the limitation, a WCDMA signal from element 102 would have to be transmitted from antenna 11. On the contrary, KLEMETTI et al clearly teaches that a WCDMA signal from element 102 is only transmitted from antenna 12 (see paragraph 49). Thus, the subject matter is neither taught nor suggested by KLEMETTI et al. Moreover, no additional prior art has been discovered that would anticipate or render obvious the

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claim. Therefore, the applicant's invention of claim 1, when considered in its entirety, comprises a unique combination of subject matter that is neither taught nor suggested by the prior art. Claims 25 and 31 comprise subject matter similar that that of claim 1 are and therefore allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KLEMETTI et al (US 2004/0162107 A1)

TALVITIE et al (US 2004/0135729 A1)

ELLA et al (US 2005/0085202 A1)

MARTIN et al (US 2005/0085201 A1)

ELLA et al (US 6,751,470 B1)

ROUSU (US 2003/0114188 A1)

DVORKIN et al (US 6,381,471 B1)

RAGHURAM et al (US 2004/0204035 A1)

KODIM (US 2004/0092285 A1)

LEYH et al (US 20030119547 A1)

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FRANK (US 2005/0032548 A1)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (571) 272-7856. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RP


NICK CORSARO
PRIMARY EXAMINER

Raymond B. Persino
Examiner
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KV